

App. No. 10/717,700
Office Action Dated May 10, 2005

REMARKS

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks. Claims 1 and 2 are hereby amended. Claim 3 is canceled. No new matter has been added. Claims 1 and 2 are pending.

Claim 1 is amended to recite the "second" solid electrolyte layer as supported by Fig. 7 and relating text on page 5, line 20 of the specification. Claim 1 is further amended to recite "an aqueous" manganese nitrate solution for editorial clarification.

Claim 2 is amended to recite the "second" solid electrolyte layer as supported by Fig. 16 and for editorial clarification. The amendment of claim 9, reciting "step of forming the second graphite layer includes applying of a graphite solution that contains 5-10 wt% of manganese dioxide powder and drying of the applied solution", is supported by subject matter of claim 3. Accordingly, claim 3 is canceled.

Claim 1 is rejected under 35 U.S.C 103(a) as being unpatentable over Fujiwara et al. (USPN 5,938,797) in view of Sano et al. (JPN 7-282802). As conceded by the Examiner, Fujiwara et al. fails to teach the element of manganese nitrate aqueous solution containing 0.5 – 2.0 wt% of graphite solution. Moreover, the range of graphite concentrations taught by Fujiwara et al., 5 % - 50%, falls outside the numerical limitation set forth in current invention. See col. 4, lines 26-31.

The rejection further relies on Sano for the teaching of the claimed features. The rejection misapplies the Sano et al. disclosure since Sano et al. is directed to providing cathode composition for a battery, which has completely different composition and energy storage requirements than a capacitor. Therefore, Sano et al. cannot suggest to one of ordinary skill to combine the teaching of both references to arrive at the features of claim 1.

For at least these reasons, claim 1 is allowable over Fujiwara et al. in view of Sano et al. Reconsideration and allowance are respectfully requested.

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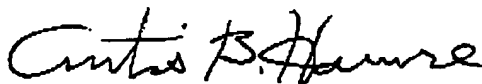
Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara et al. in view of Hanawa et al. (USPN 5,938,798). Hanawa et al. teaches a graphite content of only 1-15% which again, falls outside the numerical limitation set forth in current invention. As cited in the reference, Hanawa et al. is concerned with efficiency of pulverization process in forming the dry cell, thereby restricting the graphite concentration of not more 15 weight percent. See col. 7, lines 29-40. Hence using a higher graphite concentration and the composition range as set forth in claim 2 would be directly contrary to the purpose of the invention of Hanawa et al.

Further, Hanawa et al. teaches cathodic active material for a battery, which has completely different composition and energy storage requirements than a capacitor. Therefore, Hanawa et al. cannot suggest to one of ordinary skill that a higher range of graphite concentration could be used in the intermediate graphite layer of the primary reference.

For at least these reasons, claim 2 is allowable over Fujiwara et al. in view of Hanawa et al. Reconsideration and allowance are respectfully requested.

In view of the above, favorable reconsideration in the form of a notice of allowance is requested. Any questions regarding this communication can be directed to the undersigned attorney, Douglas P. Mueller, Reg. No. 30,300, at (612)455-3804.

Respectfully Submitted,



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